

United States Court of Appeals For the First Circuit

No. 04-1880

LUIS HIRAM ORTIZ CAMERON

Petitioner - Appellant

v.

UNITED STATES

Respondent - Appellee

Order Of The Court
Entered: July 7, 2004

Petitioner-appellant Luis Hiram Ortiz Cameron filed a notice of appeal on June 4, 2004 from an order entered on May 19, 2004 in Civil Action No. 97-1629 (D. P.R.) denying his motion for relief pursuant to Fed. R. Civ. P. 60(b)(6). Because the district court's denial of petitioner's motion for relief from judgment is a final order in a habeas corpus proceeding, a certificate of appealability is required to appeal that ruling. See 28 U.S.C. §2253; see also *Greenawalt v. Stewart*, 105 F.3d 1268, 1272 (9th Cir. 1997). A request for a certificate of appealability must first be sought in the district court. See Local Rule 22.1(a). It does not appear that petitioner-appellant has filed a request for a certificate of appealability in the district court.

Accordingly, we direct petitioner-appellant to apply for a certificate of appealability from the district court forthwith. We further order petitioner-appellant to file a status report in this court by **August 6, 2004**, and *every thirty days thereafter*, informing us that he has applied for a certificate in the district court and advising us of the status of that application. We further order petitioner-appellant to inform us immediately once the district court reaches a decision on the application for a certificate.

The failure to file a status report by **August 6, 2004** and at **thirty-day intervals** thereafter will lead to dismissal of the appeal for lack of diligent prosecution. See Loc. R. 3(b).

By the Court:
Richard Cushing Donovan, Clerk

By: LYNNE ALIX MORRISON
Appeals Attorney

[cc: Luis Hiram Ortiz Cameron, John J. Farley, AUSA, Ronald M. McNeil, Esq.]